

The Senate Public Safety Committee offered the following substitute to SB 56:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Bureau of Investigation, so as to establish the Georgia StopMeth Log for  
3 electronically recording the identity of those individuals purchasing certain medications used  
4 for the production of methamphetamine, including pseudoephedrine; to provide a statement  
5 of purpose; to provide for definitions; to provide for a misdemeanor penalty for  
6 noncompliance; to provide for related matters; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

9 The purpose of this Act is to reduce and prevent the operation of clandestine  
10 methamphetamine laboratories and the contamination of private property by such  
11 laboratories in Georgia. At this time, the state does not have a centralized real-time  
12 electronic logbook able to record purchases of products containing ephedrine,  
13 pseudoephedrine, and phenylpropanolamine. The failure to have such a centralized  
14 electronic data base permits and encourages criminals to illegally purchase large quantities  
15 of such products for the production of methamphetamine by going from store to store, and,  
16 sometimes, from state to state. Georgia law enforcement officials need this critical tool to  
17 combat methamphetamine production. Other states have adopted similar measures, thereby  
18 encouraging methamphetamine producers to relocate to states, such as Georgia, that are  
19 unable to track their unlawful activities. Immediate action is needed by the General  
20 Assembly to protect Georgia's citizens, especially Georgia's children, from the increasing  
21 harm caused by methamphetamine producers.  
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**SECTION 2.**

23 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia  
24 Bureau of Investigation, is amended by adding a new article to read as follows:  
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"ARTICLE 2A

35-3-50.

As used in this article, the term:

(1) 'Pharmacy or retailer' shall mean any place or business authorized to make retail sales of products containing ephedrine, pseudoephedrine, or phenylpropanolamine to consumers.

(2) 'StopMeth Log' shall mean Georgia's real-time electronic logbook system maintained by the Georgia Bureau of Investigation or by the bureau in conjunction with other law enforcement agencies under such program approved by the bureau for the purpose of recording information relating to the purchase of products containing ephedrine, pseudoephedrine, or phenylpropanolamine and for monitoring such information for the prevention of illegal purchases of such products.

35-3-51.

(a) To the extent funds are available, the Georgia Bureau of Investigation is authorized to establish the StopMeth Log and may utilize any federal, state, or other grant funds available or donations of funds or property for purposes relating to the initiation, implementation, and operation of the electronic log.

(b) Where the Georgia Bureau of Investigation has provided access to the StopMeth Log by making the system available through the Internet, a pharmacy or retailer shall be required to enter into the StopMeth Log information pertaining to each transaction involving the sale of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine as required by this article. Such entry shall be made at the time of the sale. Information to be entered on the StopMeth Log shall include the full name, address, and date of birth of the purchaser, the date of purchase, the quantity purchased or attempted to be purchased, and such other information as required by the Georgia Bureau of Investigation.

(c) A person purchasing, receiving, or otherwise acquiring or attempting to acquire a product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall be 18 years of age or older and shall be required to produce current, valid photographic identification of such purchaser and sign a written or electronic log or receipt that documents the date of the transaction, the full name, address, and date of birth of the person, and the quantity of ephedrine, pseudoephedrine, or phenylpropanolamine purchased, received, or otherwise acquired or attempted to be acquired. No person shall purchase or attempt to purchase an amount of ephedrine, pseudoephedrine, or phenylpropanolamine in violation of state or federal law.

61 (d) A person who violates any provision of this Code section shall upon conviction be  
62 guilty of a misdemeanor. Each separate purchase or attempted purchase made in violation  
63 of this statute shall constitute a separate offense. Each transaction where records are not  
64 generated or maintained shall constitute a separate offense. An offense created by this  
65 Code section shall not merge with any other charge or offense.

66 35-3-52.

67 (a) To the extent funds are available, the Georgia Bureau of Investigation shall make the  
68 StopMeth Log available through the Internet to pharmacies and retailers in this state. The  
69 Georgia Bureau of Investigation may conduct pilot projects or designate areas of operation  
70 which include less than all areas of this state.

71 (b) The StopMeth Log shall have the capability to calculate both state and federal  
72 ephedrine, pseudoephedrine, or phenylpropanolamine purchase limitations and to match  
73 similar identification information. Except as authorized by this article, the Georgia Bureau  
74 of Investigation and other law enforcement entities or approved users and operators shall  
75 not disclose any information entered, collected, recorded, transmitted, or maintained on the  
76 StopMeth Log.

77 (c) The Georgia Bureau of Investigation shall provide Internet access to information  
78 maintained in the StopMeth Log to the following:

79 (1) Any local, state, or federal law enforcement official or a local, state, or federal  
80 prosecutor;

81 (2) A local, state, or federal official who requests access for the purpose of facilitating  
82 a product recall necessary for the protection of the public health and safety; and

83 (3) The State Board of Pharmacy for the purpose of investigating misconduct or a  
84 suspicious transaction committed by a pharmacy, an employee of a pharmacy, or  
85 pharmacist.

86 (d) The Georgia Bureau of Investigation shall promulgate rules necessary to implement  
87 the provisions of this article. The Georgia Bureau of Investigation shall prescribe the  
88 manner in which a pharmacy or retailer shall enter the information required by the bureau  
89 under this article. Records maintained within the StopMeth Log may be destroyed at such  
90 time as the Georgia Bureau of Investigation determines is appropriate but not sooner than  
91 two years from the date of the entry of such record."

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### SECTION 3.

93 All laws and parts of laws in conflict with this Act are repealed.